

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Elizabeth Raasch-Gilman,

Plaintiff,

v.

Ramsey County,

Defendant.

ORDER

Civil No. 09-594 ADM/JJG

Theodore D. Dooley, Esq., Ted Dooley Law Offices, LLC, St. Paul, MN; and Peter J. Nickitas, Peter J. Nickitas Law Office, LLC, Minneapolis, MN on behalf of Plaintiff.

Jason M. Hiveley, Esq., Iverson Reuvers, LLC, Bloomington, MN, on behalf of Defendant.

On April 16, 2009, the undersigned United States District Judge heard oral argument on Plaintiff Elizabeth Raasch-Gilman's ("Plaintiff") Motion to Remand for Lack of Subject Matter Jurisdiction [Docket No. 4]. Plaintiff argues that her complaint in Ramsey County District Court stated claims solely under Minnesota law. Plaintiff asserts that the Defendant Ramsey County's ("Defendant") removal to this Court was objectively unreasonable, entitling Plaintiff to recover attorney's fees incurred as a result of filing the Motion to Remand. In addition, Plaintiff requests that the Court "certify remand as nonappealable." At oral argument, Plaintiff stated that based on the information currently available, she was not asserting any federal claims in her complaint and would not later do so on the basis of those currently available facts. In light of this statement, Defendant agreed that remand is appropriate but maintained that an award of attorney's fees was unwarranted.

Plaintiff's attorney's fees request asserts more than \$7,600 in fees for more than 30 hours of work. Given the relatively straight-forward nature of the basis for remand and in light of

Defendant's position, the number of hours expended by Plaintiff's attorneys to draft a lengthy, 35-page brief is excessive. Based upon all the files, records, and proceedings herein, and for the reasons stated on the record at oral argument, Plaintiff's Motion is **GRANTED** and **IT IS HEREBY ORDERED** that:

1. the action is **REMANDED** to Ramsey County District Court; and
2. Plaintiff is awarded \$2,000 for attorney's fees incurred in bringing this Motion, payable by Defendant within 30 days of today's date.

LET JUDGMENT BE ENTERED ACCORDINGLY.

BY THE COURT:

s/Ann D. Montgomery
ANN D. MONTGOMERY
U.S. DISTRICT JUDGE

Dated: April 17, 2009.